

BOARD OF SELECTMEN

November 10, 2015

Minutes

The Board of Selectmen met on Tuesday, November 10, 2015 at 7:00 p.m. in the Town Hall Clark Room. Those present were Selectmen John Gorecki, Vanessa Hunnibell Moroney, Nathan Brown, Lyn Lemaire and Claude von Roesgen. Town Administrator Timothy D. Goddard was also present.

Also in attendance:

Liz Carpenter, President Carlisle Conservation Foundation

Steve Hinton, Carlisle Preservation Foundation

Tom Brown, Conservation Commission vice Chair

Melissa Stamp, Assessor

Attorney Chris Heep, Town Counsel

Attorney Kathleen O'Donnell

Dafna Krouk-Gorden, President, Till, Inc.

Mark Levitan, Carlisle Housing Authority

David Freedman, Noise By-law Committee

Fire Chief David Flannery

Community Input

Steve Hinton was present from the Carlisle Conservation Foundation (CCF). He said the CCF has been working on a Conservation Restriction that would protect and preserve an area on Westford Street [located on the south-side of the Sorli Farm]. Steve said the Sorli Family would like to bring this property into a state where it is maintained as a farm, is protected from development, and kept in conservation. Steve said they have an option to purchase the development rights of 20 acres and to put it into permanent conservation. He said essentially the Town would be buying the development rights for pre-lots and for an adjacent piece of land. This would prevent extensive development from occurring on that property.

Steve said the agreement allows the Sorli family to continue to own and farm the land and it would mandate that they maintain the property in its current state. He said this is a perpetual conservation restriction that will prevent development rights. It was noted that the Town has until Jan. 1, 2017 to fund this Conservation Restriction. Steve said the CCF would like to apply to the Community Preservation Committee for the purchase price, which is \$870,000.00. This would be on the Town Warrant as a Community Preservation Committee application at the 2016 Spring Town Meeting. He said the CCF is seeking the Board of Selectmen's support. The Board thanked Steve for this presentation.

Tom Brown, vice chair of the Conservation Commission said the Commission has voted unanimously to support the Sorli Conservation Restriction.

FY 16 Tax Classification Hearing

Mrs. Moroney opened the Tax Classification Public Hearing. Assessor Melissa Stamp was present

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for this public hearing. She said the Carlisle Board of Assessors is recommending that the Board of Selectmen vote for a residential factor of 1 for fiscal year 2016. Melissa explained that this vote means that the Town will have a uniform tax rate and there will not be a differential between commercial, industrial and residential property tax rates for fiscal year 2016. Melissa added that the Board of Assessors also recommends that the Selectmen vote: *not to grant an open space discount; not adopt a residential exemption; and, not adopt a small commercial exemption.*

Melissa said as a result of the fiscal year 2016 rate setting process, the excess levy capacity has been calculated as \$2,163,651.86.

On a motion made by Mr. Gorecki and seconded by Ms. Lemaire, it was unanimously **VOTED** for the purpose of setting the fiscal 2016 property tax rate, the Board of Selectmen approves a residential factor of *one*, thereby establishing a uniform tax rate with no differences between residential, commercial, industrial and personal property tax rates, and that the Board not grant an open space discount, not adopt a residential exemption, and not adopt a small commercial exemption for fiscal year 2016. Furthermore, the Board of Selectmen acknowledges that the Board of Assessors has presented information and data relevant to making such determinations and has informed the Board of Selectmen that the excess levy capacity for fiscal year 2016 is \$2,163,651.86.

Town Administrator Report

1 Center Park Standing Committee Mr. Goddard said a draft Mission Statement/Charge for the Carlisle Center Park Standing Committee was reviewed, discussed and edited at the Boards' last meeting. He presented the updated Mission Statement for the Board's approval [attached hereto].

On a motion made by Mr. Gorecki and seconded by Ms. Lemaire, it was unanimously **VOTED** to approve the Carlisle Center Park Standing Committee Mission Statement/Charge as presented, dated 11/10/15.

Mr. Gorecki said a list of members will be prepared and appointments made at a future meeting.

2 Request to Establish COA Revolving funds As a result of consultations with the Finance Director and Town Accountant, the Council on Aging requested that the Board vote to establish two new accounts for them. The first account was a revolving account for *Transportation Services*. The purpose for this account is to accurately track the new (Pilot) transportation program's receipts and expense payments. The limit for the Transportation Services revolving account is \$15,000. The second account was a *Gift Account* for the Council on Aging's fuel/energy assistance. The monetary gifts given to the Council on Aging are specifically dedicated to helping Carlisle residents with fuel assistance and now will be placed into a COA gift account for that purpose.

On a motion made Mr. Gorecki and seconded by Mr. Brown, it was unanimously **VOTED** to establish a Transportation Service revolving account [53¢½ account] for the Council on Aging's Pilot transportation program with a spending limit to be set at \$15,000.

On a motion made by Mr. Gorecki and seconded by Mr. Brown, it was unanimously **VOTED** to establish a Gift Account for the Council on Aging to be used for the fuel/energy assistance program administered by the Council on Aging.

3 Renewal of Constellation The Town's electricity and gas supply agreements with Constellation NewEnergy will expire at the end of December. Mr. Goddard has been discussing successor agreements with Constellation NewEnergy.

On a motion made by Ms. Lemaire, and seconded by Mr. Gorecki, it unanimously **VOTED** to approve the renewal of the electricity and natural gas contracts with Constellation NewEnergy in the form presented to the Board on behalf of the Town; and specifically authorize the Chair of the Board of Selectmen or the Town Administrator to execute and deliver the contract.

Liaison Reports

Mrs. Moroney attended the Financial Management Team meeting today and the following was reported: Assessor Melissa Stamp spoke about the Tax Classification Hearing, which was presented

earlier. The Carlisle Public School gave their budget presentation to the Finance Committee last week. The School plans to send out a survey to parents in the community in order to provide feedback on all-day Kindergarten. The Town Clerk will advertise in the Carlisle *Mosquito* for an open position in that office. The Finance Department sent out sixteen (16) letters to taxpayers who are delinquent in paying their taxes since May 1, 2015. The Finance Committee appointed John Keller to represent the FinCom on the Long Term Capital Requirements Committee [to replace Karen Huntress].

Mr. Brown attended a recent Personnel Board meeting. He said presently there are three (3) members on this Board and they are in need of two more.

Executive Session

At 8:00 p.m. a motion was made by Mr. Gorecki to enter into Executive Session pursuant to MGL Ch. 30 (a) §21(a) paragraph(s) 2 and 3 to discuss strategy with respect to collective bargaining with a non-union employee Lt. Leo Crowe as open meeting may have a detrimental effect on the Town's bargaining position and the Board will return to open session afterward. Mr. Brown seconded the motion and the following roll call vote was taken: Moroney – aye; Gorecki – aye; Brown – aye; Lemaire – aye; and von Roesgen – aye.

8:15 p.m. - Open Session

Site Plan Review – Till, Inc., Group Home at 338 Bedford Road

Mr. Gorecki re-opened the Site Plan Review public hearing for this matter. He briefly updated the Board on where we are in this process. Mr. Gorecki said normal Site Plan Reviews would require us to obtain documentation on all aspects of the project. He said this Site Plan Review is limited because the project is being permitted under the Dover Amendment as an educational facility. He added that this educational facility is as a group home residence.

Planning Board Chair, Peter Gambino said the Planning Board is still collecting feedback from other Boards and Committees and therefore the document presented tonight from George Mansfield, Planning Administrator is a preliminary document [attached hereto]. Peter said they will come back to the Selectmen's next meeting with a final document including all feedback, letters and comments. Peter said at their meeting last night, Police Chief John Fisher was present and the Board was able to accomplish many aspects of this Site Plan Review regarding public safety.

Peter said the Planning Board is looking at all of the feedback in two (2) categories: what is applicable to the Dover Amendment, and what are the recommendations they can make for this site.

Peter said the potential recommendations under the Dover Amendment are: 1) whether the bulk and height of the buildings is acceptable and consistent with the bylaws; 2) the parking lot - the Planning Board would like to see the total number of individual parking spaces marked; and, adequate turning areas need to be indicated to show the access of these parking spaces; areas where parking is prohibited should be shown to improve circulation and public safety access.

Mr. Gorecki said Dafna Krouk-Gorden, President of Till, Inc. is present and perhaps she could address the Planning Board's questions and concerns. Ms. Krouk-Gorden said she has attended fourteen (14) meetings since March and she has responded to all of these questions both in writing and verbally. Ms. Krouk-Gorden said the residents in this facility will not be driving. She added that there is room for nine standard parking spaces.

Mr. Gorecki said there is only one condition we can put on this project and that is the number of parking spaces and the dimension on the size of the parking space (standard dimensions).

Attorney Kathleen O'Donnell, special counsel to the Carlisle Housing Authority was present. She said she assisted the Housing Trust in purchasing this property. Attorney O'Donnell said there has been some confusion regarding the Housing Trust and the clarification of this residence/educational facility. She said that the Housing Trust is a separate entity from the Town, however statutes that

apply to a municipal body, such as Open Meeting Law, Conflict of Interest law, labor, and procurement laws, also apply to the Trust. All of the rules and regulations and statutes that apply to a municipal body apply to the Trust. Attorney O'Donnell said the Carlisle Housing Authority is also a separate entity of the Town. There are three separate entities to this project; the Town, the Carlisle Housing Authority and the Trust. Town Counsel would have a conflict and cannot represent more than one of these entities. In regard to the Dover Amendment, Attorney O'Donnell said this project has been said to be an educational facility and that it falls under the Dover Amendment. She said this is a residence/group home and therefore it is covered under Fair Housing and the American Disabilities Act.

Mark Levitan from the Carlisle Housing Authority said Attorney O'Donnell's points are valid and it seems that the Planning Board is attempting to impose items that do not apply.

Peter said the Planning Board has suggested recommendations for the Town to take action on for public safety. He said both the Police and Fire Chiefs expressed concern over the earthen berm on the left side of the driveway and suggested removing it. Taking into consideration that this is a very busy intersection on Rte. 225 and Kimball's Farm, both Chiefs recommended a paved landing area to accommodate two vehicles – side by side at the entrance of the driveway. The Police Chief also recommended a crosswalk and signs for the crosswalk.

Peter noted again that the Planning Board would like to receive documentation from the Conservation Commission regarding a stormwater management plan. He said the building commissioner believed that the classification of the building regarding fire protection should be provided by the architect designer of the building. He spoke about a trail that crosses the property through the septic and one of the buildings. The said trail connects Banta Davis to the Fox Hill conservation area. He said they are requesting relocation of the trail and a set easement.

Mr. Gorecki said the Board is responsible for approving the site plan review that has been presented. He said tonight he would like to finalize this process however, he asked the other Selectmen whether the public hearing should be continued until the Conservation Commission has submitted their input. Ms. Lemaire preferred to continue the public hearing for that purpose. Mr. von Roesgen said he would support closing the public hearing. Mr. Brown was in favor of continuing the public hearing. Mrs. Moroney said she was in favor of closing the public hearing as long as the Board of Selectmen can impose conditions.

David Freedman said the Board of Selectmen can close the hearing however they cannot impose conditions on materials that were not presented prior to its closing.

Mr. Gorecki said his goal was to get the applicant the building permit as soon as possible. He suggested continuing the public hearing for two weeks and during that time Town Counsel can prepare an order of conditions for Site Plan Approval. At the next meeting, the Board will open the public hearing, listen to remaining testimony, close the public hearing and review and approve the order of conditions on the same night.

On a motion made by Mr. Gorecki and seconded by Mr. Brown it was unanimously **VOTED** to continue the Site Plan Review public hearing for the Group Home on Bedford Road, Carlisle, MA to Tuesday, November 24, 2015 at 7:05 p.m.

Fire Horn Issue – Update

Fire Chief David Flannery was present for this discussion. He said the last time he met with the Board he was asked to research the following three items: 1) what other communities with horns were doing; 2) whether there was another mass notification system or siren; and, 3) find ways to simplify the use of the horn. He said Mr. Goddard also asked for instructions from the manufacturer on testing the horn. Chief Flannery said he contacted eight communities with horns and they provided the following information:

Harvard – has firefighters at the station; uses the horn for box alarms; does not use the horns for fires; and uses it as a secondary means of fire alerting. Testing is done at 9 am.

Wenham –has firefighters at the station; uses the horn for master boxes only and back-up alerts; Testing is done at 10 am daily.

Sherborne – Does not have a fire horn (but would like to have one); has firefighters at the station.

Bolton – has firefighters at the station; has a horn and uses it for back-up only. They do not test daily.

Stowe – has people at the station and has a horn but does not use it.

Dover – has no firefighters at the station; has a horn and uses it for back-up.

Rockland – has firefighters at the station; has a horn and uses it at least once a day.

Whitman - has firefighters at the station and uses the horn extensively

Chief Flannery said the Town receives a credit from the Insurance Service Offices (ISO) for having a back-up system for the Communications section [on the application]. He said we have simplified the horn usage since the first time this matter has been discussed. Chief Flannery said he spoke with a representative from the company that services the horn and he recommended that the Town follow the manufacturer's recommendation, which is to test and use it daily. It was noted that the noon use/test is on a timer. He added that he will continue to find ways to minimize the use of the horn.

Mr. Gorecki said the noon test is the most frequent use of the horn. He would like to see that test be moved to a weekend afternoon. Mrs. Moroney suggested moving the noon test to 5 pm and eliminate all of the codes.

David Freedman, Noise by-law working group suggested that on a daily basis, an individual could go to where the horn is located and muffle the sound of the horn.

Jason Molten, 75 Westford Street said that it seems that the horn is not really being used as a back-up notification but rather a primary use in that it goes off at the same time as the pagers. He supported the 5 pm test.

Mrs. Moroney suggested making one change, which is to change the time of the daily test from noon to 5 pm. The Board and Chief Flannery agreed to this change. This will start on Monday Nov. 14, 2015. The Board will meet with Chief Flannery regarding this issue in a month.

Proposal for Dog Officer Position

Mr. Goddard said at the Board's direction, we advertised for the position of Dog Officer and two people responded. They were Matt Svatek and Larry Sorli. Mr. Goddard and Police Chief Fisher met with Matt and Larry and discussed availability and coverage. The Dog Officer Proposal [attached hereto] designates Mr. Svatek as the primary contact for dog-related calls and Mr. Sorli would be the backup. This proposal included the compensation for both Svatek and Sorli. Mr. Goddard said at this point the dog officers will use their own facilities to hold the dogs they pick up until a temporary facility is constructed at the Police station.

The Board discussed the dog officer and animal control officer position and the responsibilities that would fall under each category. They agreed to move forward tonight with appointing a dog officer and revisit the animal control officer at a future date.

On a motion made by Mr. Gorecki and seconded by Mr. Brown, it was unanimously **VOTED** to appoint Matt Svatek and Larry Sorli as dog officers for the Town of Carlisle as described in the Dog Officer Proposal presented this evening for term that will end on June 30, 2016.

Executive Session

At 10:55 p.m. A motion was made by Mr. Gorecki to enter into Executive Session pursuant to MGL Ch. 30 (a) §21(a) paragraph 3 to discuss litigation regarding Frank Sargent, as open meeting may have a detrimental effect on the Town's litigating positions and the Board will not return to open session. Mr. Brown seconded the motion and the following roll call vote was taken: Moroney – aye; Gorecki – aye; Brown – aye; Lemaire – aye; and von Roesgen – aye.

The open meeting adjourned at 10:56 p.m.

Respectfully submitted by Margaret Arena

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Approved: 1/12/16